

FROM: BDSM 703 836 2021

(MON) 12. 20' 04 14:06/ST. 14:05/NO. 4260034207 P 1

**BURNS DOANE**

BURNS DOANE SWECKER & MATHIS LLP  
INTELLECTUAL PROPERTY LAW

**RECEIVED**  
**CENTRAL FAX CENTER**

**DEC 20 2004**

Burns, Doane, Swecker & Mathis, L.L.P.  
Suite 500  
1737 King Street  
Alexandria, Virginia 22314-2727  
Telephone: +1.703.836.6620  
Group 3 Fax: +1.703.836.2021  
Group 4 Fax: +1.703.836.0028  
www.burnsdoane.com

## Facsimile Cover

The information contained in this facsimile message is or may be attorney-client privileged and contains confidential information intended only for the use of the recipient(s) named below and others expressly authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is prohibited and you are asked to notify us immediately by telephone and to return this message to us by mail without copying it. Any questions regarding compatibility should be directed to our Office Services Department at +1.703.836.6620.

Date: December 20, 2004

**TO:** Examiner David Guzo

**Fax Number:** 571.273.8300

**Company:** U.S. Patent and Trademark Office

**Telephone:**

**Your Reference:** 09/810,490

**FROM:** Susan M. Dadio

**Telephone:** 703.838.6531

**Our Reference:** 032751-061

**Sent By:** Nancy J. Robins

**Number of Pages** 41  
**Including Cover:**

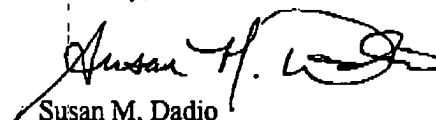
Dear Examiner Guzo:

Further to our telephone correspondence of this morning, attached please find a copy of the complete response filed on September 16, 2004 in connection with Application Serial No. 09/810,490. A copy of the date-stamped postcard receipt from September 16, 2004 for this application is also attached as requested.

As mentioned during our telephone discussion, a Submission of Formal Replacement Drawings was submitted with the September 16, 2004 response. This Submission of Formal Replacement Drawings included photographs. Obviously, applicants desire to have high quality drawings published. Therefore, should the original Submission of Formal Replacement Drawings with the photographs not be located, you are hereby requested to contact our office so that applicants can have the photographs re-submitted. Thank you for your cooperation in this regard.

Please do not hesitate to contact us should you not receive all of the pages of this transmission or if you have any questions.

Sincerely,

  
Susan M. Dadio  
Reg. No. 40,373

SMD/njr  
Attachments

VA 644356.1

**BEST AVAILABLE COPY**

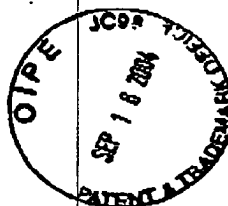
**Patent Response Postcard**

42

Inventor: Mejid Mehtali et al.      Appln. No.: 09/810,480      Filing Date: March 18, 2001  
 Docket No.: 032751-081      Working Atty.: Susan M. Dadlo      Date: September 16, 2004  
 Did Clerk initials ☐

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Amendment and Reply   | <input type="checkbox"/> Check for \$ _____ is enclosed                             |
| <input checked="" type="checkbox"/> Amendment and Reply-Transmitted Later   | <input type="checkbox"/> Check for \$ _____ is enclosed                             |
| <input checked="" type="checkbox"/> Submission of Formal Replacement Drawings w/ 12 Sheets of drawings (Figs. 1-12) | <input checked="" type="checkbox"/> Charge \$ 344.00 to Deposit Account             |
|   | <input type="checkbox"/> Charge \$ _____ to credit card. Form PTO-2038 is attached. |
|   | <input type="checkbox"/> Filed by Certificate of Mail                               |



- |  |                          |
|--|--------------------------|
| <input checked="" type="checkbox"/> Copy of US Transmittal, IDS, Form PTO-1449 filed on March 18, 2001 | <input type="checkbox"/> |
| <input type="checkbox"/> and date stamped postcard receipt   | <input type="checkbox"/> |

If submitting documents via Express Mail, provide the Express Mailing Label No. below:  
Express Mail Mailing Label No.

DEC 20 2004

Patent  
Attorney Docket No. 032751-061

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Majid Mehtali et al.

Application No.: 09/810,490

Filing Date: March 19, 2001

Title: VIRAL VECTORS AND LINE FOR GENE THERAPY

Group Art Unit: 1836

Examiner: DAVID GUZO

Confirmation No.: 9942

## AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ Terminal Disclaimer(s) and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☒ Also enclosed is/are Submission of Formal Replacement Drawings and twelve (12) Replacement Drawing Sheets (Figures 1-12), a copy of Information Disclosure Statement, Transmittal Letter and Form PTO-1449 filed on March 19, 2001 along with date stamped postcard receipt.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$385.00 (2801) ☐ \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted \_\_\_\_\_  
on \_\_\_\_\_  
for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_ which does not exceed three months from the filing of this RCE. In accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

BURNS DOANE

BURNS DOANE SWECKER & MATHEIS LLP  
INTELLECTUAL PROPERTY LAW

AMENDMENT/REPLY TRANSMITTAL LETTER

Page 1 of 2  
(8/04)

- ☐ No additional claim fee is required.
- ☒ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	26	MINUS 23 =	3	x \$18.00 (1202) =	\$ 54.00
Independent Claims	2	MINUS 3 =	0	x \$86.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$290.00 (1203)					\$ 290.00
Total Claim Amendment Fee					\$ 344.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 344.00</b>

- ☒ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☒ Charge \$ 344.00 to Deposit Account No. 02-4800.
- ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: September 16, 2004

By

  
Susan M. Dadio

Registration No. 40,373

**BURNS DOANE**

BURNS DOANE SWECKER & MATHIS LLP  
INTELLIGENTIAL PROPERTY LAW

AMENDMENT/REPLY TRANSMITTAL LETTER

Page 2 of 2

RECEIVED  
CENTRAL FAX CENTER

DEC 20 2004

Patent  
Attorney's Docket No. 032751-061

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
Majid Mehtali et al.	)	Group Art Unit: 1636
Application No.: 09/810,490	)	Examiner: DAVID GUZO
Filed: March 19, 2001	)	Confirmation No.: 9942
For: VIRAL VECTORS AND LINE FOR	)	
GENE THERAPY	)	

**SUBMISSION OF FORMAL REPLACEMENT DRAWINGS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

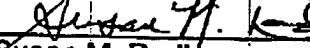
Sir:

Enclosed are twelve (12) sheets of formal replacement drawings for review by the United States Patent and Trademark Office in connection with the Office Action mailed on June 16, 2004. Should the enclosed drawings require changes, it is respectfully requested that the Patent Office notify the undersigned of the same.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 16, 2004

By:   
Susan M. Dadlo  
Registration No. 40,373

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Appl. o. UnassignedDocket No.: 032751-061Work Atty: DMG/iam/vnDate: March 19, 2001Title: VIRAL VECTORS AND LINE FOR GENE THERAPY

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Utility Patent Application Transmittal   | <input checked="" type="checkbox"/> Executed Declaration/Power of Attorney             | <input checked="" type="checkbox"/> Check for \$ <u>764.00</u> is enclosed                        |
| <input type="checkbox"/> Design Patent Application Transmittal  | <input type="checkbox"/> Unexecuted Declaration/Power of Attorney                      | <input type="checkbox"/> Check for \$ <u>    </u> is enclosed                                     |
| <input type="checkbox"/> Continuing Prosecution Application Request   | <input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595) | <input type="checkbox"/> Charge \$ <u>    </u> to Deposit Account                                 |
| <input type="checkbox"/> Provisional Application Cover Sheet  | <input type="checkbox"/> Claim for Convention Priority w/_ certified copy(s)           | <input checked="" type="checkbox"/> Submission of Formal Drawings and 12 pages of formal drawings |
| <input type="checkbox"/> Provisional Application Transmittal  | <input checked="" type="checkbox"/> Preliminary Amendment                              | <input type="checkbox"/>  |
| <input checked="" type="checkbox"/> Continuation/Divisional Application (Rule 1.53(b)) with copy of application | <input checked="" type="checkbox"/> Information Discl. Statement Transmittal Letter    | <input type="checkbox"/>  |
| <input type="checkbox"/> Request for Continued Examination  | <input checked="" type="checkbox"/> Information Disclosure Citation (PTO-1449)         | <input type="checkbox"/>  |
| INCLUDING:  | <input checked="" type="checkbox"/> Information Disclosure Statement w/_ document(s)   |   |
| <input checked="" type="checkbox"/> Specification (pages 1 - <u>37</u> )  | <input type="checkbox"/> Petition for <u>    </u> Month Extension of Time              |   |
| <input checked="" type="checkbox"/> Claims (claim(s) 1 - <u>38</u> , <u>6</u> pgs.)                             | <input type="checkbox"/> Constructive Petition for Extensions of Time                  |   |
| <input checked="" type="checkbox"/> Drawings (Fig(s). 1 - <u>12</u> , <u>12</u> pgs.)                           | <input type="checkbox"/> Bibliographic Data Entry Form                                 |   |
| <input checked="" type="checkbox"/> Abstract of the Disclosure  |  |   |

986 U.S. PTO  
**09/810490**  
03/19/01

(10/00)

Inventor: Majid MAHTALI et al.Appln. No. UnassignedDocket No.: 032751-061Work Atty: DMG/jamynDate: March 19, 2001Title: VIRAL VECTORS AND LINE FOR GENE THERAPY

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

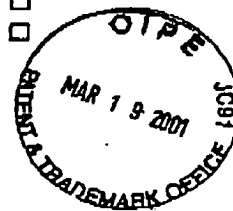
- ☐ Utility Patent Application Transmittal
- ☐ Design Patent Application Transmittal
- ☐ Continuing Prosecution Application Request
- ☐ Provisional Application Cover Sheet
- ☐ Provisional Application Transmittal
- ☒ Continuation/Divisional Application (Rule 1.53(b)) with copy of application
- ☐ Request for Continued Examination

## INCLUDING:

- ☒ Specification (pages 1 - 37)
- ☒ Claims (claim(s) 1 - 38, 6 pgs.)
- ☒ Drawings (Fig(s). 1 - 12, 12 pgs.)
- ☒ Abstract of the Disclosure

- ☒ Executed Declaration/Power of Attorney
- ☐ Unexecuted Declaration/Power of Attorney
- ☐ Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)
- ☐ Claim for Convention Priority w/\_ certified copy(s)
- ☒ Preliminary Amendment
- ☒ Information Disc. Statement Transmittal Letter
- ☒ Information Disclosure Citation (PTO-1449)
- ☒ Information Disclosure Statement w/\_ document(s)
- ☐ Petition for \_\_\_ Month Extension of Time
- ☐ Constructive Petition for Extensions of Time
- ☐ Bibliographic Data Entry Form

- ☒ Check for \$ 764.00 is enclosed
- ☐ Check for \$ \_\_\_ is enclosed
- ☐ Charge \$ \_\_\_ to Deposit Account
- ☒ Submission of Formal Drawings and 12 pages of formal drawings



(14) (10/00)

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**